

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

		Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)	
Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/EP2004/000184	International filing date (day/month/year) 14.01.2004	Priority date (day/month/year) 21.01.2003	
International Patent Classification (IPC) or both national classification and IPC B05B11/00			
Applicant SPRAY PLAST S.P.A.			

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66 1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220

Name and mailing address of the ISA:



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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. The following document has not been furnished:

- copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
- translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	6 7
	No: Claims	1 2 4 5 8
Inventive step (IS)	Yes: Claims	
	No: Claims	6 7
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1 The following documents are referred to in this communication:

D1 : EP 0 850 695 A (SPRAYSOL GMBH) 1 July 1998 (1998-07-01)
D2 : PATENT ABSTRACTS OF JAPAN vol. 1998, no. 10, 31 August 1998
(1998-08-31) &; JP 10 128184 A (YOSHINO KOGYOSHO CO LTD), 19 May
1998 (1998-05-19)
D3 : PATENT ABSTRACTS OF JAPAN vol. 1998, no. 04, 31 March 1998
(1998-03-31) &; JP 9 314001 A (YOSHINO KOGYOSHO CO LTD), 9 December
1997 (1997-12-09)
D4 : PATENT ABSTRACTS OF JAPAN vol. 1998, no. 01, 30 January
1998 (1998-01-30) &; JP 9 253540 A (U P C:KK), 30 September 1997 (1997-
09-30)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
Document D1 discloses (the references in parenthesis applying to this document): a sprayer device (10) with a trigger-operated pump comprising: a body (13) provided with a base that can be applied to the mouth of a liquid container and a delivery nozzle (19) wherefrom the liquid is sprayed, in said body (13) being formed a plunger chamber (38), an input duct (14) which puts the inside of the container into communication with said chamber (38) and an output duct (88) which puts said chamber (38) into communication with the sprayer nozzle (19), a trigger lever (17) hinged to said sprayer body (13) and to the stem (50) of a plunger (16) tightly acting in said chamber (38) defined in the sprayer body (13), spring means (18) interposed between said trigger (17) and said sprayer body (13), and a suction and delivery valve (15) disposed inside said chamber (38) of the sprayer body to generate a first one-way passage between said input duct (14) of the sprayer body and said chamber (38) and a second one-way passage between said chamber (38) and said output duct (88) of the sprayer body, whereby said input duct (14) has an input hole (36) communicating with said chamber (38), said output duct (88) has an output hole (86) communicating with said chamber (38) and in that a valve-housing seat (130) communicating with said chamber (38) to support said suction and delivery valve (15) is provided in the body (13) between said input hole (36) and said output hole (86).

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.
PCT/EP2004/000184

3 DEPENDENT CLAIMS 2, 4, 5, 8

Dependent claims 2, 4, 5, 8 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

4 DEPENDENT CLAIMS 6, 7

Dependent claims 6, 7 refer merely to minor constructional details, which do not seem to constitute a difference which could lead to subject-matter involving an inventive step according to Article 33(3) PCT).